

REMARKS

This is in response to the Office Action mailed on March 1, 2004, and the references cited therewith.

Claims 36 and 37 are added. Claims 1-37 are now pending in this application.

Double Patenting Rejection

Claims 1-9 were provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-3 of copending Application No. 09/902,963.

In light of the provisional nature of the rejection, Applicant hereby offers to submit a terminal disclaimer in compliance with 37 CFR 1.321(b)(iv) upon receipt of an indication of allowability of the pending claims in the instant application and issuance of the co-pending application.

§112 Rejection of the Claims

Claims 7, 10, 11, 22-25 and 32-35 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. The claims are believed clear. For instance, claim 7 depends from claim 5, which recites a database of stored radio frequency information. Multiple frequencies are stored in the database. Claim 7 indicates that some of the frequencies are retrieved. The exact wording is "a portion of the radio frequency information...." It would be clear to one of average skill in the art that it only means that the entire database is not retrieved, but only one or more frequencies "corresponding to an input radio frequency signal..."

§102 Rejection of the Claims

Claims 1-30 and 32-35 were rejected under 35 USC § 102(e) as being anticipated by Briffe et al.(U.S. Patent No. 6,038,498.) This rejection is respectfully traversed, as the reference does not show each and every element arranged as claimed.

Many of the present claims describes the use of an input radio frequency signal to retrieve radio frequency information in a database. Briffe et al. may describe that a database

contains radio frequency information, such as “locations and frequencies of each navaid” at Col. 10, lines 61-62, however, there is no teaching that input radio frequency signals are used to retrieve such radio frequency information. Radio frequency information is described in the application at least on page 10 as “the station type 87, 91, 104, facility names 89, 92, 97, station identifier 95, runway number 101 and final approach course 108 information, or other useful information corresponding to a particular input radio frequency.” Claim 1 specifically recites “for **accessing the database as a function of an input radio frequency signal** and generating a display signal as a function of an input radio frequency signal.”

The Office Action cites Col. 6, line 45 to col. 7, line 4, or Col. 9, lines 12-20 and col. 11, lines 25-27 as disclosing such ability. This is respectfully traversed. Col. 6, line 45 to col. 7, line 4, describe at best, that “transceivers (not shown) can be tuned manually, or can be tuned by ‘pointing and clicking’ with trackball 44 on a frequency in a digital map displayed on the MFD or the PRD.” This language does not support the ability to access a database as a function of an input radio frequency signal as claimed. Col. 9, lines 12-20 merely indicate that a pilot can manually tune an ILS frequency, and col. 11, lines 25-27 describe “data stored for this point in system memory to appear as an information window displayed at the place of the cursor.” Again, there is no reference or suggestion that a database is accessed as a function of an input radio frequency signal as claimed. Since the reference does not teach the elements as arranged in claim 1, a prima facie case of anticipation has not been established, and the rejection should be withdrawn.

Claims 2-4 recite also using a position signal to access the database of radio frequency information. While Briff describes GPS information, it does not use it in the context of accessing useful information corresponding to a particular input radio frequency. At best, it is used as a navigation aid, not to identify useful information in conjunction with an input radio frequency signal. Since Briff does not show the elements as arranged in claims 2-4, the rejection should be withdrawn.

Claim 5 also recites the database of radio frequency information, and a processor coupled to the database that generates a display signal as a function of an input radio frequency signal and a position signal. Again, no connection between the input radio frequency signal and position signal with such a database is shown in the Briff, and the rejection should be withdrawn.

Claims 6-9 depend from claim 5, and distinguish for at least the same reasons.

Claims 10-15 distinguish Briff in at least the same manner as claim 2, in that both input radio frequency signals and position signals are used to access the radio frequency information in the database. As such, the rejection should be withdrawn.

Claims 16-21 distinguish Briff in at least the same manner as claim 2, and should be allowed.

Claims 22-30, and 32-35 also recite that both input radio frequency signals and position signals are used to access the radio frequency information in the database. As such, the rejection should be withdrawn.

New claims 36 and 37 have been added, and are believed to distinguish Briff for at least the same reasons as claim 2.

Allowable Subject Matter

Claim 31 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

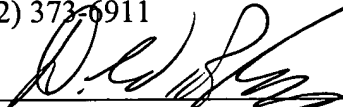
Respectfully submitted,

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Date June 1, 2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of June, 2004.

Gina M. Spivey
Name


Signature